

1 **John Gimbel**  
2 **225 Brevus St.**  
3 **Crescent City CA**  
4 **95531**  
5 **707.464.5908**  
6 **Plaintiff, in pro se**

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 **JOHN GIMBEL**  
10 **Plaintiff,**

**CASE NO. : C070113 SBA**  
**NOTICE OF APPEAL**

11 **vs.**

12 **STATE OF CALIFORNIA, DEL NORTE**  
13 **COUNTY SHERIFF'S DEPARTMENT,**  
14 **JERRY HARWOOD, BILL STEVEN, GENE**  
15 **McMANUS, MELANIE BARRY, DANA RENO,**  
16 **ROBERT BARBER, ED FLESHMAN,**  
17 **CRESCENT CITY**  
18 **POLICE DEPARTMENT,**  
19 **DOUGLASS PLACK, GREG JOHNSON, JAMES**  
20 **HOLT, CALEB CHADWICK, THOMAS**  
21 **BURKE, DEL NORTE DISTRICT ATTORNEY,**  
22 **KEITH MORRIS, AC FIELD, MICHAEL RIESE,**  
23 **DARREN McELFRESH, AND FRITZ**  
24 **LUDERMAN**

25 **Defendants**

26 Notice is hereby given that John Gimbel, plaintiff in the above named case,  
27 hereby appeals to the United States Court of Appeals for the 9th Circuit, from the  
28 judgement, from an order entered in this action, document 68, on the 19th day of  
September, 2007.

Dated Oct. 16, 2007

John Gimbel in pro se  
225 Brevus St.  
Crescent City, CA 95531

**PROOF OF SERVICE BY MAIL, PERSONAL DELIVERY,  
OVERNIGHT MAIL, OR FACSIMILE TRANSMISSION**

I am a citizen of the United States and a resident of Del Norte County; I am over the age of eighteen (18) years; my address is 1533 Oregon St. , Crescent City, CA 95531.

On October 16, 2007 I served the documents within, described as 5 copies of **NOTICE OF APPEAL**, to the interested parties in said action:

\_\_\_\_\_ By overnight FedEx.

  X   By following the ordinary business practice, placing on that date at my place of business, a true copy thereof enclosed in a sealed envelope(s) with postage thereon fully prepaid, for collection and mailing with the United States Postal Service at Crescent City, California, where it would be deposited with the United States Postal Service that same day in the ordinary course of business addressed as follows:

(( Ronald V. Dellums Federal Building--Appeal  
Room 400 South  
1301 Clay Street  
Oakland, CA 94612-5217 ))

\_\_\_\_\_ By personally delivering a copy of said document(s) on the party(ies) named below at the following address(es):

\_\_\_\_\_ By following the ordinary business practice, placing on that date at my place of business, the above documents for deposit that same day in a box or other facility regularly maintained by Federal Express, in an envelope or package designated by Federal Express, with delivery fees paid or provided for as follows:

\_\_\_\_\_ By transmitting by facsimile machine, telephone number 707 464 5908, to the party(ies) named below at the facsimile machine telephone number listed below. The facsimile machine I used complied with California Rules of Court, rule 2003, and no error was reported by the machine. Pursuant to California Rules of Court, rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

Name: \_\_\_\_\_  
Name: \_\_\_\_\_

Facsimile No: \_\_\_\_\_  
Facsimile No: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this day of October 16, 2007 at Crescent City, California

  
Dave Stiles

Court Name: U.S. District Court, NDCA  
Division: 4  
Receipt Number: 44611001376  
Cashier ID: lenahac  
Transaction Date: 10/18/2007  
Payer Name: John H Gimbel

NOTICE OF APPEAL/DOCKETING FEE  
For: John H Gimbel  
Case/Party: D-CAN-4-07-CV-000113-001  
Amount: \$455.00

CHECK  
Check/Money Order Num: 321  
Amt Tendered: \$455.00

Total Due: \$455.00  
Total Tendered: \$455.00  
Change Amt: \$0.00

SBA

Checks and drafts are accepted  
subject to collections and full  
credit will only be given when the  
check or draft has been accepted by  
the financial institution on which  
it was drawn.